

Rights and Responsibilities

Individuals who seek EEO counseling should be aware of their rights and responsibilities under the law, which include at a minimum the following:

- a. The **right** to anonymity.
- b. The **responsibility** to know that neither the West Virginia Equal Employment Opportunity Office nor the EEO counselor is an advocate for either the aggrieved party or the agency but acts strictly as a neutral in the EEO process.
- c. The **right** to participate in an attempt to resolve the EEO problem through informal EEO counseling, following proscribed guidelines established by the West Virginia Equal Employment Opportunity Office.
- d. Where informal counseling is selected, the **right** to receive in writing within thirty (30) calendar days of the first counseling contact (unless the West Virginia EEO Director approves an extension, not to exceed an additional sixty (60) calendars days, with a notice of the extension being mailed to the aggrieved individual) a notice terminating informal counseling and informing the aggrieved individual of:
 - (1) The **right** to file a formal EEO complaint within fifteen (15) calendar days of the receipt of the notice; and
 - (2) The appropriate official with whom to file the formal EEO complaint.
- e. If it is determined the complaint does not fall within the parameters of EEO law, the aggrieved party has the **right** to address his/her supervisor/manager directly or pursue the matter through the West Virginia Public Employees Grievance Procedure. However, it is the **responsibility** of the aggrieved party to take affirmative steps to address the complaint in these forums.
- f. The **right** to go directly to a court of competent jurisdiction on claims of workplace discrimination or harassment based upon protected class or retaliation even though such claims are also cognizable under Title VI and other EEO laws.
- g. Once a **Formal EEO Complaint Form** is filed, the **right** to a final decision after an EEO Investigation within forty-five (45) working days of the appointment of investigators by the agency (unless the West Virginia EEO Director approves an extension, in which case a notice of the extension will be mailed to the Complainant).

- h. The **responsibility** to keep the agency and the EEO Office informed of his/her current mailing address, email address and telephone number(s).
- i. The **responsibility** to know that only those claims raised at the counseling stage, or claims that are like or related to those that were raised, may be the subject of this formal EEO complaint.
- j. The **responsibility** to contact the West Virginia EEO Office or the EEO counselor handling his/her complaint to ascertain proper procedure for amending a **Formal EEO Complaint Form** with claims that are like or related after it has been filed.
- k. The **right** to know the time frames in the EEO complaint process.

The respective “Rights and Responsibilities” listed above have been reviewed with, and explained to, the individual who has sought EEO Counseling by the EEO Counselor on this date.

Attested to by:

EEO Counselor

Date

Individual Counselee (voluntary)

Revised by:
West Virginia Equal Employment Opportunity Office
Jann Hoke, Director
November, 2011